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Tatsuro Kawamura

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,723	Applicant(s) KAWAMURA ET AL.	
	Examiner Sharick Naqi	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/7/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-25, 27 and 29-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite various “units”, however, it is unclear if the units are structure, or algorithms or software. If the units are algorithms or software then the terms/limitations will not be given patentable weight because they lack structure that would be attributed to the apparatus claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 26 is rejected under 35 U.S.C. 101 because a claim to software, program, instructions, code, data structure, or a signal that does not recite a tangible computer readable medium is non-statutory subject matter. See MPEP 2106.01.

Claim 28 is rejected under 35 U.S.C. 101 because a claim to software, program, instructions, code, data structure, or a signal that does not recite a tangible computer

Art Unit: 3736

readable medium is non-statutory subject matter. See MPEP 2106.01. It has been determined that “data” is not sufficiently tangible.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 11, 19-27 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Blants et al. US Patent No. 6,231,519 (hereinafter Blants).

1. A vital data utilization system comprising:

a server (*Figures 1-3, element 130 Server, column 4, lines 10-67, column 5 lines 1-64*);

a receiving apparatus (*Figures 1-3, element 130 Server, column 4, lines 10-67, column 5 lines 1-64*); and

a plurality of measurement instruments (*Element 110 or 210*), wherein said server, said receiving apparatus and said measurement instruments are connected to

Art Unit: 3736

each other via a communication network (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64*),

each of said measurement instruments includes:

a vital data measurement unit operable to measure vital data of a subject (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. PEF Meter*); and

a sending unit operable to send, to said server, the measured vital data (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Element 110 is a two way mobile data communication tool*),

said server includes:

a receiving unit operable to receive, from said plurality of measurement instruments, a plurality of vital data, one of which being the vital data (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Server receives data sent over communication network*);

a storage unit operable to hold each vital data in association with at least one of
(i) measurement position information indicating a position of said each measurement instrument (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. GPS location, pulmonary function and time/date data assembled and analyzed at a database 330*) and
(ii) residence information indicating a position of each subject's residence at which said each measurement instrument is placed;

a database making unit operable to store the received plurality of vital data into said storage unit and operable to make a database (*Figures 1-3, column 4, lines 10-67,*

Art Unit: 3736

column 5 lines 1-64. GPS location, pulmonary function and time/date data assembled and analyzed at a database 330);

a value-added information making unit operable to compute the respective vital data of a plurality of subjects stored in the database based on at least one of the (i) measurement position information and (ii) residence information, and operable to make value-added information indicating a geographical distribution of the vital data (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Data assembled and analyzed to be representative of any predetermined area*); and

a value-added information providing unit operable to provide said receiving apparatus with the made value-added information (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Data assembled and analyzed to be representative of any predetermined area then provided for output to users, public and ecologist*), and

said receiving apparatus includes:

an output unit operable to receive the value-added information provided by said value-added information providing unit, and operable to output, by presenting, the value-added information (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Data assembled and analyzed to be representative of any predetermined area then provided for output and presentation to users, public and officials 370, for example via TV or Internet*).

2. The vital data utilization system according to claim 1,

wherein said measurement instruments further includes

a clock unit operable to detect measurement time at which the vital data is measured (*Column 4, lines 10-35, column 4, lines 61-67*),

said sending unit is operable to send, to said server, a set of information including the measured vital data and further the measurement time (*Column 4, lines 10-35, column 4, lines 61-67*),

wherein, in said server, said receiving unit is operable to receive, from said plurality of measurement instruments, a plurality of sets of information (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Server receives data from various user devices*),

said storage unit is operable to hold the plurality of sets of information including the vital data and the measurement time in association with at least one of the (i) measurement position information and (ii) residence information, said database making unit is operable to store the received plurality of sets of information into said storage unit (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Database assembles and analyzes location data, pulmonary function data and time/date data*), and

said value-added information making unit is operable to compute the vital data of the plurality of subjects stored in the database in association with the measurement time and operable to make value-added information indicating changes over time of the geographical distributions of the subjects' vital data (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Dynamic location, pulmonary function and time/date data received, assembled and analyzed to be representative of any predetermined area then provided for output to users, public and officials*).

3. The vital data utilization system according to claim 1,
wherein said vital data measurement unit is operable to quantitatively measure the subjects' vital data (*Column 4, lines 10-35, column 4, lines 61-67*).

4. The vital data utilization system according to claim 1,
wherein said sending unit is operable to further add, to respective sets of information, measurement instrument identification information for identifying a corresponding measurement instrument and operable to send the respective sets of information including the identification information to said server (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. SMS has ID*),

said storage unit is operable to store at least one of the (i) measurement position information indicating the position of the respective measurement instruments and (ii) residence information indicating the positions of the subjects' residence at which the respective measurement instruments are placed (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Database assembles and analyzes dynamic location data, pulmonary function data and time/date data*), and

said value-added information making unit is operable to read out, from said storage unit, at least one of the (i) measurement position information and (ii) residence information based on the received measurement instrument identification information, and operable to compute the respective vital data based on at least one of the read-out information (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Individuals get a*

warning if they go to an area where the risk level is high for their particular ACT, thus the system analyzes location data and physiological data with relation to a particular user unit's identity to send a warning when needed).

5. The vital data utilization system according to claim 1,
wherein said sending unit is operable to further add, to respective sets of information, at least one of the (i) measurement position information indicating the positions of the respective measurement instruments and (ii) residence information indicating the positions of the subjects' residence at which the respective measurement instruments are placed, and operable to send the resulting respective sets of information to said server (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64*), and
said value-added information making unit is operable to compute the respective vital data based on at least one of the (i) received measurement position information (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Dynamic location, pulmonary function and time/date data received, assembled and analyzed to be representative of any predetermined area then provided for output to users, public and ecologist*) and (ii) residence information.

6. The vital data utilization system according to claim 1,
wherein said database making unit is operable to update the database each time of receiving at least one new set of information (*Figures 1-3, column 4, lines 10-67,*

column 5 lines 1-64. Dynamic data collected, thus the database is continuously updated), and

said value-added information making unit is operable to update the value-added information based on the updated database (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Dynamic data collected, thus the database and analysis is continuously updated).*

7. The vital data utilization system according to claim 1,
wherein said receiving apparatus is placed in at least one of a hospital, a public facility except a hospital and subject's house (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Mobile unit can be carried anywhere, including public buildings).*

11. The vital data utilization system according to claim 1,
wherein said vital data measurement unit is placed at housing equipment in the subject's house (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Mobile unit can be carried anywhere).*

19. The vital data utilization system according to claim 1,
wherein said receiving apparatus is a mobile type apparatus and further includes a present position detection unit operable to detect a present position (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Mobile communication tool 110 has GPS), and*

said output unit is operable to receive value-added information indicating a geographical distribution of the vital data of the subjects who are at the detected present position and a peripheral part of the detected present position, and operable to output, by presenting, the value-added information (*Figures 1-3, column 4, lines 10-67, column 5 lines 1-64. Individuals get a warning if they go to an area where the risk level is high for their particular ACT, thus the system analyzes location data and physiological data with relation to a particular user unit's identity to send a warning when needed*).

Claims 20-23 are rejected on substantially the same basis as claims 1-6.

Claim 24 is rejected on substantially the same basis as claims 1-6 because the functions of the apparatus described in the rejection of claims 1-6 would reject the method steps of claim 24.

Claim 25 is rejected on substantially the same basis as claims 1-6 because the functions of the apparatus described in the rejection of claims 1-6 would reject the method steps of claim 25.

Claim 26 is rejected on substantially the same basis as claims 1-6.

Claim 27 is rejected on substantially the same basis as claims 1-6.

Claim 29-30 are rejected on substantially the same basis as claims 1-6.

Claims 1-3, 5-6, 8-9, 15, 20 and 22-29 are rejected under 35 U.S.C. 102(a) as being anticipated by Iwano et al. US Patent Publication No. 2003/0014283 (Provided in the IDS and hereinafter Iwano).

1. A vital data utilization system comprising:

a server (*Fig. 9, element 203 Server, [0042-0068]*);

a receiving apparatus(*[0053]*); and

a plurality of measurement instruments, wherein said server, said receiving apparatus and said measurement instruments are connected to each other via a communication network (*Fig. 9, element 201 clients, [0042-0068]*)

each of said measurement instruments includes:

a vital data measurement unit operable to measure vital data of a subject (*Fig 19, [0042-0068]. Client has various sensors to measure physiological data*); and

a sending unit operable to send, to said server, the measured vital data (*Fig 19, [0042-0068]. Client sends data to server, thus it meets the limitation of a sending unit*),

said server includes:

a receiving unit operable to receive, from said plurality of measurement instruments, a plurality of vital data, one of which being the vital data (*[0053-0055, 0059]. Data transferred to server from client, thus the limitation of a receiving unit is met*);

a storage unit operable to hold each vital data in association with at least one of (i) measurement position information indicating a position of said each measurement instrument ([0053-0055, 0059]. *Data transferred to server and stored in a storage device includes location and measurement time data in relation to the vital information data*) and (ii) residence information indicating a position of each subject's residence at which said each measurement instrument is placed;

a database making unit operable to store the received plurality of vital data into said storage unit and operable to make a database ([0053-0055, 0059]. *Data transferred to server and stored in a storage device for users to browse is equivalent to creating a database*);

a value-added information making unit operable to compute the respective vital data of a plurality of subjects stored in the database based on at least one of the (i) measurement position information and (ii) residence information, and operable to make value-added information indicating a geographical distribution of the vital data ([0053-0059] *data transferred to server is statistically process and stored in a storage device includes location and measurement time data in relation to the vital information data, thus the limitation of a value-added information making unit is met*); and

a value-added information providing unit operable to provide said receiving apparatus with the made value-added information ([0053-0060]. *Received data is statistically processed according to various set conditions and provided for a user to browse*) and

said receiving apparatus includes:

an output unit operable to receive the value-added information provided by said value-added information providing unit, and operable to output, by presenting, the value-added information ([0053-0060]. *Received data is statistically processed according to various set conditions and displayed/outputted for a user to browse, thus the limitation of an output unit is met*).

2. The vital data utilization system according to claim 1,
wherein said measurement instruments further includes
a clock unit operable to detect measurement time at which the vital data is measured ([0053]. *Measurement time is part of the data received by server from client, this meets the limitation of a clock unit*),

said sending unit is operable to send, to said server, a set of information including the measured vital data and further the measurement time ([0055, 0053]. *Measurement time is part of the data received by server from client, in addition to the vital information*),

wherein, in said server, said receiving unit is operable to receive, from said plurality of measurement instruments, a plurality of sets of information (Fig 19, [0042-0068]. *Server receives data from numerous clients*),

said storage unit is operable to hold the plurality of sets of information including the vital data and the measurement time in association with at least one of the (i) measurement position information and (ii) residence information, said database making unit is operable to store the received plurality of sets of information into said storage unit

([0053-0059]. Vital data in association with location and measurement time is stored in server storage device), and

said value-added information making unit is operable to compute the vital data of the plurality of subjects stored in the database in association with the measurement time and operable to make value-added information indicating changes over time of the geographical distributions of the subjects' vital data ([0053-0060]. *Received data is statistically processed according to various set conditions, including region, location and measurement time, and displayed for a user to browse. Data is collected multiple times thus changes over time can be observed by selecting different periods or measurement times*).

3. The vital data utilization system according to claim 1,
wherein said vital data measurement unit is operable to quantitatively measure the subjects' vital data ([0047]).

5. The vital data utilization system according to claim 1,
wherein said sending unit is operable to further add, to respective sets of information, at least one of the (i) measurement position information indicating the positions of the respective measurement instruments and (ii) residence information indicating the positions of the subjects' residence at which the respective measurement instruments are placed, and operable to send the resulting respective sets of information to said server ([0053-0059] *data transferred to server is statistically process*

and stored in a storage device includes location and measurement time data in relation to the vital information data), and

said value-added information making unit is operable to compute the respective vital data based on at least one of the (i) received measurement position information ([0053-0060]. *Received data is statistically processed according to various set conditions, including region, location and measurement time*) and (ii) residence information.

6. The vital data utilization system according to claim 1,

wherein said database making unit is operable to update the database each time of receiving at least one new set of information ([0053-0060]. *Data is collected multiple times, thus the data is updated*), and

said value-added information making unit is operable to update the value-added information based on the updated database ([0053-0060]. *Received data is statistically processed according to various set conditions, including region, location and measurement time, and displayed for a user to browse. Data is collected multiple times thus updated data can be statistically analyzed by selecting updated/newer periods or measurement times with the region and location*).

8. The vital data utilization system according to claim 1,

wherein said vital data measurement unit is operable to measure vital data that is an indicator of an infection ([0047]).

9. The vital data utilization system according to claim 8,
wherein the vital data which is an indicator of an infection is at least one of body temperature, blood pressure, pulse, cardiograph, oxygen saturation in blood, accelerated pulse wave velocity, the number of white blood cells, C-reactive protein concentration in blood (CRP), protein concentration in urine, glucose concentration in urine, amino acid concentration in urine and feces viscosity (*Fig 19, [0048]. ECG, Blood Pressure, Thermometer*).

15. The vital data utilization system according to claim 1,
wherein said server further includes
a charging unit operable to calculate a charge for value-added information provided to said receiving apparatus (*[0062-0068]. Charging money for browsing the statistical data meets the limitation of a charging unit*).

Claims 20 and 22-23 are rejected on substantially the same basis as claims 1-3 and 5-6.

Claim 24 is rejected on substantially the same basis as claims 1-3 and 5-6 because the functions of the apparatus described in the rejection of claims 1-3 and 5-6 would reject the method steps of claim 24.

Claim 25 is rejected on substantially the same basis as claims 1-3 and 5-6 because the functions of the apparatus described in the rejection of claims 1-3 and 5-6 would reject the method steps of claim 25.

Claim 26 is rejected on substantially the same basis as claims 1-3 and 5-6.

Claim 27 is rejected on substantially the same basis as claims 1-3 and 5-6.

28. Data comprising information specifying each predetermined geographical area and an average value of vital data of a plurality of subjects calculated for each predetermined geographical area, the information and the average value being associated with each other (*Fig. 5*).

Claim 29 is rejected on substantially the same basis as claims 1-3 and 5-6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9, 10, 11, 13, 14, 16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwano as applied to claims 8 and 15 above, and further in view of Ito et al. US Patent No. 6,572,564 (hereinafter Ito).

In regards to claim 9, Iwano discloses that vital signs measured by the sensors of the client device and transmitted over a network include diabetes patients' glucose levels measured by a blood glucose level meter (*Iwano [0002, 0047, 0058]*). Iwano fails to disclose that the measured vital signs include glucose concentration in urine. However Ito, a reference in an analogous art, discloses urine glucose sensor for collecting glucose data from diabetes patients and transferring them over a network (*Ito Column 9, lines 30-64, column 11, lines 25-32*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Iwano by substituting the blood glucose level meter of Iwano with Ito's urine glucose sensor because both devices measure glucose/diabetes related patient data for transfer over a network and Ito teaches that the disclosed urine testing device allows any patient to

Art Unit: 3736

create healthcare measurement data without special technical knowledge (*Ito column 4, lines 49-52*).

In regards to claim 10, Iwano modified by Ito as shown in the rejection of claim 9 above discloses a urine sensor but does not disclose that the sensor measures proteins like albumin in urine. However, Ito teaches that the biosensors for measuring different items can be exchanged depending upon the disease of the patient and in the case of a patient suffering Renal disease, a biosensor measuring albumin protein is used (*Ito column 9, lines 54-58*). It would have been obvious to one of ordinary skill in the art at the time of the invention to exchange the glucose measuring urine biosensor of Iwano modified by Ito with a biosensor measuring albumin protein in urine if a patient has Renal Disease because Ito teaches exchanging biosensors depending on the disease of the patient from whom data is being collected (*Ito Column 9, lines 54-58*).

In regards to claim 11, Iwano discloses that the client apparatus included the sensor measuring vital signs are connected to the host and server at a hospital over a network from an outside location using a telephone connection (*Iwano [0043-0045, 0095-0097]*). Iwano does not explicitly disclose where the client is located. However Ito, a reference in an analogous art, discloses a system for collecting data from a patient located at home and then transferring it over a network to a Server/Database (*Ito column 1, lines 15-21 and Figure 7*). It would have been obvious to one of ordinary skill in the art at the time of the invention to place the client of Iwano at the patient's home as

Art Unit: 3736

taught by Ito because the client is connected to the host and server via a network and thus can be located anywhere remote from the server and host located in the hospital, including at home.

In regards to claim 13, Iwano discloses that vital signs measured by the sensors of the client device and transmitted over a network include diabetes patients' glucose levels measured by a blood glucose level meter (*Iwano [0002, 0047, 0058]*). Iwano fails to disclose that the device is located in a toilet apparatus and the device includes a urine analyzer that measures vital data. However Ito discloses a urine glucose sensor in a toilet for collecting glucose data from diabetes patients and transferring them over a network (*Ito Column 3, lines 48-62, column 9, lines 30-64, column 11, lines 25-32*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Iwano by substituting the blood glucose level meter of Iwano with Ito's urine glucose sensor because both devices measure glucose/diabetes related patient data for transfer over a network and Ito teaches that the disclosed urine testing device allows any patient to create healthcare measurement data without special technical knowledge (*Ito column 4, lines 49-52*).

14. The vital data utilization system according to claim 13,
wherein the urine analyzer mixes urine of the subject and a reagent including an antibody that specifically combines with an analysis target component, measures

Art Unit: 3736

turbidity of a resulting mixed solution, and measures the analysis target component in the urine (*Ito Column 19, lines 8-62*).

In regards to claim 16, Iwana discloses the apparatus according to claim 15, where subjects provide medical data over a network but does not disclose that said server further includes an incentive calculation unit operable to calculate an incentive to each subject. However Ito, a reference in an analogous art teaches providing an insurance premium reduction support service (analogous to an incentive calculation unit) that provides a patient with a certificate for discounting their insurance (incentive) based on the number of medical measurements the patient provides during a time period that do not show a progression of morbidity (*Ito Column 16, lines 3-15*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Iwano by adding the insurance premium reduction support service disclosed by Ito because it encourages the user to better manage their disease and provide frequent measurements to the system.

Claims 17 and 18 are rejected on substantially the same basis as claim 16.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwano in view of Ito as applied to claim 11 above, and further in view of Reed et al. US Patent No. 6,524,239 (hereinafter Reed).

In regards to claim 12, Iwano discloses that the measurement device includes a thermometer, a blood pressure meter etc. Iwano also discloses that vital signs measured by the sensors of the client device and transmitted over a network include diabetes patients' glucose levels measured by a blood glucose level meter (*Iwano [0002, 0047, 0058]*). Iwano fails to disclose that the device is located in a toilet apparatus so measurements can be taken when the subject uses the toilet. However Ito discloses a urine glucose sensor in a toilet for collecting glucose data from diabetes patients and transferring them over a network (*Ito Column 3, lines 48-62, column 9, lines 30-64, column 11, lines 25-32*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Iwano by substituting the blood glucose level meter of Iwano with Ito's urine glucose sensor located in a toilet because both devices measure glucose/diabetes related patient data for transfer over a network and Ito teaches that the disclosed urine testing device allows any patient to create healthcare measurement data without special technical knowledge (*Ito column 4, lines 49-52*).

Reed, a reference in an analogous art, discloses putting multiple sensors including temperature and pulse sensors into a toilet so measurements can be taken when a subject uses the toilet (*Reed column 5, lines 50-67*). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Iwano modified by Ito by placing Iwano's temperature and blood pressure sensors in Ito's toilet with a biosensor as taught by Reed because this allows physiological data to

Art Unit: 3736

be collected without relying on the subject to remember or actively participate in data acquisition (*Reed Column 2, lines 11-13*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharick Naqi whose telephone number is (571)272-3041. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. N./

Examiner, Art Unit 3736

Application/Control Number: 10/559,723

Page 24

Art Unit: 3736

/Michael C. Astorino/

Primary Examiner, Art Unit 3736

June 10, 2008